



COVERSHEET GUIDELINES FOR PROCEDURES

Operation Title: **Guidance for Assessing Cumulative Impacts to Protected Natural Resources under the Natural Resources Protection Act**
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**Bureau of Land and Water Quality
Division of Land Resource Regulation
Licensing Unit**

Guidelines for Assessing Cumulative Impacts to Protected Natural Resources
under the Natural Resources Protection Act

- 1. APPLICABILITY.** This guidance applies to all licensing staff in the Bureau of Land and Water Quality's Division of Land Resource Regulation (Division). It applies to the processing of applications filed with the Department under the Natural Resources Protection Act (NRPA).
- 2. PURPOSE.** This guidance is intended to establish consistent procedures for staff assessments of potential cumulative impacts resulting from activities proposed in NRPA applications processed by the Division of Land Resource Regulation.

3. RESPONSIBILITIES.

- 3.1 **COMPLIANCE.** All licensing staff in the Division of Land Resource Regulation are responsible for becoming familiar, and complying with, the contents of this guidance prior to processing an application. The attached appendices are to serve as reference materials throughout the processing of applications. The appendices will be applied to the project as proposed prior to consideration of any proposed mitigation. Mitigation will be considered in terms of offsetting any potential cumulative impacts resulting from a proposed project following completion of the appendices. Supervisors are responsible for ensuring that licensing staff is familiar with and adhere to the procedures outlined in this guidance. Enforcement & Field Services staff Drafting Department Orders will also adhere to this guidance.
- 3.2 **OTHER.** The Licensing Coordinator is responsible for initial development, approval, distribution, and maintenance of this guidance. Policy and Procedures staff in the Bureau of Land & Water Quality will track this guidance. The name of responsible individuals, document title, dates of last revision, and document numbers will be recorded.

4. GUIDELINES AND PROCEDURES.

- 4.1 **ORIGINATION AND CONTENTS.** Division Licensing staff will be trained in the use of the Cumulative Impact Assessment (CIA) form (Appendix A) and Cumulative Impact Assessment Matrix (Matrix) (Appendix B) associated with this guidance. The appendices will be used by Division Licensing staff to identify potential cumulative adverse impacts on protected natural resources during the processing of an NRPA application. The CIA and matrix will be used as guidance for determining whether a proposed activity will have an unreasonable cumulative impact on a protected natural resource, as described in Chapter 310, the Wetland and Waterbodies Protection Rules, Section 5(D)(2). The completed CIA and matrix will be included in the project file. Associated definitions included in this guidance apply to the CIA and matrix.



- 4.2 GUIDANCE DEVELOPMENT AND APPROVAL PROCESS. Approval of this guidance follows the preliminary draft cycle and final approval cycle for Bureau-specific procedures described in SOP No. OC-PE-0001, Standard Operating Procedure Development, Format, Approval, and Distribution, dated June 15, 2001. The Director of the Bureau of Land and Water Quality and the Maine DEP's QAM approve the final guidance.

5. REFERENCES.

- 5.1 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION QUALITY MANAGEMENT PLAN (JUNE 2001).
- 5.2 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION STANDARD OPERATING PROCEDURE ON STANDARD OPERATING PROCEDURES (OC-PE-0001).
- 5.3 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF LAND AND WATER QUALITY, STANDARD OPERATING PROCEDURE SUPPLEMENT TO OC-PE-0001 (DEPLW2001-22).
- 5.4 WETLAND AND WATERBODIES PROTECTION RULES, 38 M.R.S.A. 310.



APPENDIX A: Cumulative Impact* Assessment Form

PRIMARY FACTORS	DESCRIPTORS	INDICATORS	IMPACT RATINGS	IMPACT SCORES										
TYPE & DEGREE OF HARM TO THE RESOURCE	TYPE OF IMPACT	NRPA standards affected; extent of potential direct effects* & indirect effects*	High	3										
			Moderate	2										
			Low	1										
			None	0										
	DEGREE OF IMPACT	Project type (fill, vegetation removal); significance of impact relative to resource	High	3										
			Moderate	2										
			Low	1										
			None	0										
FREQUENCY OF SIMILAR IMPACTS	PREVIOUS IMPACTS TO RESOURCE	The current condition of the resource (e.g. pristine, acceptable, impacted, degraded).	High	3										
			Moderate	2										
			Low	1										
			None	0										
	THREAT TO RESOURCE	Number of similar activities existing or proposed in the vicinity of project involving that resource.	High	3										
			Moderate	2										
			Low	1										
			None	0										
DURATION* OF ACTIVITY	PERMANENCE	Temporary* v. permanent* alteration; recovery potential; habitat conversion	Permanent	2										
			Temporary	1										
			None	0										
PROXIMITY TO PROTECTED AREAS	LOCATION IN RELATION TO WOSS OR SWH	Type of protected area; type of impact	In resource	3										
			Within 75 ft	2										
			Within 250 ft	1										
			None present	0										
PROXIMITY TO DEVELOPED AREAS	GROWTH MANAGEMENT AREA	Compatible with growth area, comprehensive plan, or approved Growth Management Plan	Incompatible w/ comp plan	3										
			Incompatible w/o comp plan	2										
			Compatible w/o comp plan	1										
			Compatible w/ comp plan	0										
TRADITIONAL USES*	USE OF AREA & RESOURCE	Degree of compatibility with traditional use of area and resource in project vicinity.	None	3										
			Low	2										
			Moderate	1										
			High	0										
ABILITY TO PERFORM AS INTENDED	STABILITY; PERSISTENCE; DESIGN	Design and construction methods appropriate for site and project; likelihood of unintended impacts to resource minimized.	No	1										
			Yes	0										
PUBLIC HEALTH & SAFETY ADDRESSED	DEGREE OF PROTECTION OR SERVICE	Project provides some public service, such as fire protection, emergency access, travel safety	None/Low	2										
			Moderate	1										
			Substantial	0										
TYPE & DEGREE OF BENEFIT FROM ACTIVITY	GAIN IN BENEFIT	Project purpose identifies public need vs. private, private/shared or commercial need.	None/minimal	2										
			Moderate	1										
			Substantial	0										
↓														
TOTAL CUMULATIVE IMPACT SEVERITY														
→														
<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2">SCORE</th></tr> </thead> <tbody> <tr> <td>Severe</td><td>21-28</td></tr> <tr> <td>Strong</td><td>13-20</td></tr> <tr> <td>Moderate</td><td>7-12</td></tr> <tr> <td>Weak or Negligible</td><td>0-6</td></tr> </tbody> </table>					SCORE		Severe	21-28	Strong	13-20	Moderate	7-12	Weak or Negligible	0-6
SCORE														
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Moderate	7-12													
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*See Definitions for Appendix A.



Definitions associated with Appendix A of the Guidance for Assessing Cumulative Impacts to Protected Natural Resources under the Natural Resources Protection Act.

- A. Cumulative Impact.** The impact on the environment, which results from the incremental impact of the activity when added to other past, present, and reasonably foreseeable future activities regardless of what entity undertakes such other actions. Cumulative impacts can result from individually minor, but collectively significant activities taking place over a period of time.
- B. Direct Effects.** Those effects caused by the activity and occur at the same time and place. Direct effects are a subset of cumulative effects.
- C. Duration.** The period of time in which an effect on a resource may exist or remain detectable.
- D. Indirect Effects.** Those effects caused by the activity or use attributed to the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects are a subset of cumulative effects.
- E. Permanent Impact.** The potential long-term effects on the characteristics, or functions and values of the resource that result from a regulated activity.
- F. Reasonably Foreseeable Future Activities.** The activity will proceed or there is a high probability that the activity will proceed, i.e., valid permits have been granted for projects in the vicinity of the proposed project; projects are constructed or under construction, or; applications for permits to construct projects in the vicinity of the proposed project are currently under consideration.
- G. Resource.** The individual protected natural resource specific to the activity proposed in an application.
- H. SWH.** Significant Wildlife Habitat as defined in Section 480-B(10) of the Natural Resources Protection Act.
- I. Temporary Impact.** The potential short-term effects on the characteristics, or functions and values of the resource that result from a regulated activity or the periodic use of a structure. Temporary effects are also those potential effects that can be overcome or avoided through implementation methods during an activity or restoration of the resource following completion of an activity.
- J. Traditional Uses.** The dominant cultural uses of the resource that have occurred in the recent, rather than historical, past.
- K. WOSS.** Wetlands of Special Significance as defined in Chapter 310, Section 4.



APPENDIX B: Potential Cumulative Impact of Development Matrix

Impact severity Rating Resource significance		Severe 28-20	Strong 20-13	Moderate 12-7	Weak or Negligible 6-0
SIGNIFICANCE OF RESOURCE	High				
	Medium				
	Low				
	Unrated				

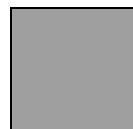
LEGEND



UNACCEPTABLE. High degree of contribution to cumulative impacts in a sensitive or significant resource. May be grounds for project denial.



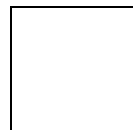
MAJOR IMPACT. High degree of contribution to cumulative impacts in a resource of medium significance; moderate degree of cumulative impact on highly significant resource. May be subject to denial without project re-design or mitigation.



MODERATE IMPACT. Some modification to project siting or design, or mitigation necessary to reduce contribution to cumulative impacts.



MINIMAL IMPACT. Relatively minor adjustments to plan, siting, or mitigation may be necessary to reduce contributions to cumulative impacts.



LOW/NO IMPACT. No perceptible addition to cumulative impacts. No mitigation required.

Chart is recommended method for reviewing potential cumulative impacts and determining level of effort required for mitigation and/or reconsideration of project siting and design.

Appendix B
 Cumulative Impact Assessment Matrix
 DEPLW0631-A2003



Bureau of Land and Water Quality
Date: February 1, 2004
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